

REMARKS

Claims 1-13 are pending in the present application. Applicants are being required to elect one of the following groups pursuant to 35 U.S.C. § 121:

- I. Claims 1-11 drawn to compounds of formula and pharmaceutical compositions classified in several heterocyclic classes (544, 546, 548) numerous subclasses.
- II. Claims 12-13 drawn to various methods of use of compounds of formula (treating cancer, scleroderma, diabetic nephropathy, etc.), classified in class 514, various subclasses.

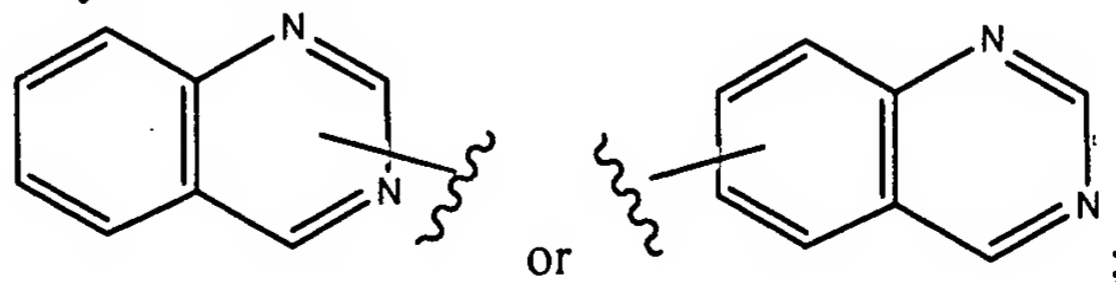
At the outset, Applicants respectfully traverse the restriction requirement. MPEP § 803 states that the two criteria for a proper requirement for restriction are (1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is required. Here, the Examiner has not shown that there would be a serious burden on the Examiner if restriction were not required. As such, the restriction requirement appears improper. Applicants respectfully request removal of the restriction requirement at this time.

Nevertheless, to advance the prosecution of the present application and to be fully responsive to the present restriction requirement, Applicants elect Group I (claims 1-11) with traverse for examination purposes. Applicants reserve the right to pursue non-elected, withdrawn and/or cancelled subject matter in any continuing application, including a continuation, divisional, etc.

In addition, the Examiner at page 3 of the Office Action requires Applicants to make "an election of a single compound (or set of compounds)." In response, Applicants hereby elect the compounds of formula (Ia) or (Ib) according to claim 1, wherein:

X=S;

R¹ is optionally substituted



R³ is (C₁-C₆)alkyl;

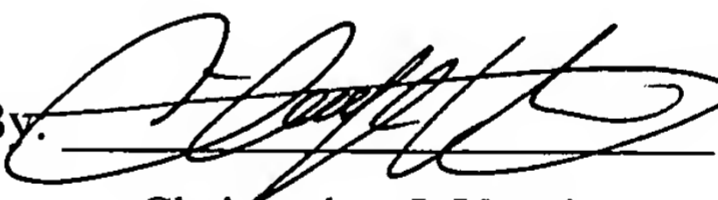
s = one; and
R⁴ = amino.

Pursuant to MPEP § 821.04, if the compound and composition claims of elected Group I are subsequently found allowable, Applicants respectfully request that the method claims of Group II (claims 12-13), which depend from or otherwise include all the limitations of the allowable compound and composition claims, be rejoined.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 16-1445. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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